

CITY OF MILPITAS
Summary of Contents
Milpitas City Council Meeting
January 6, 2004
6:00 p.m. Closed Session
7:00 p.m. Public Business
455 E. Calaveras Boulevard

I. ROLL CALL (6:00 p.m.)

II. ADJOURN TO CLOSED SESSION

1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

(Pursuant to Government Code Section 54957)

Title: City Manager

2. CONFERENCE WITH LABOR NEGOTIATOR

(Pursuant to Government Code Section 54957.6)

Unrepresented Employee: City Manager

III. CLOSED SESSION ANNOUNCEMENTS: Report on action taken in Closed Session, if required pursuant to Government Code Section 54957.1, including the vote on abstention of each member present

IV. PLEDGE OF ALLEGIANCE (7:00 p.m.)

V. APPROVAL OF MINUTES: December 9 and 16, 2003

VI. SCHEDULE OF MEETINGS

VII. PRESENTATIONS

Commendations:

- Water Awareness Poster Contest (sponsored by the Bay Area Water Users Association)
Aaron Cayabyab, 3rd place in the 5th Grade Division
Angelica Lee, 2nd place in the 5th Grade Division
Emily Dang, 2nd place in the 6th Grade Division

Proclamations

- Arlene DeLeon, Traffic Engineer, Retiring from City of Milpitas

VIII. CITIZENS FORUM

Members of the audience are invited to address the Council on any subject not on tonight's agenda. Speakers must come to the podium, state their name and city of residence for the Clerk's record, and limit their remarks to under two minutes. As an unagendized item, no response is required from City staff or the Council and no action can be taken; however, the Council may instruct the City Manager to agendize the item for a future meeting.

IX. ANNOUNCEMENTS

X. APPROVAL OF AGENDA

- XI. CONSENT CALENDAR (Items with Asterisks)**
- XII. PUBLIC HEARINGS (None)**
- XIII. JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING**
- RA1. CALL TO ORDER BY THE MAYOR**
- RA2. ROLL CALL**
- RA3. APPROVAL OF MINUTES:** December 16, 2003
- RA4. APPROVAL OF AGENDA AND CONSENT CALENDAR (ITEMS WITH ASTERISKS)**
- RA5. Review Progress Report on Library Project (Staff Contact: Greg Armendariz, 586-3220)**
- *RA6. Approve Agreement: Hardison, Komatsu, Ivelich & Tucker: Site Plan Options for Health Clinic/Senior Housing Development (Staff Contact: Blair King, 586-3060)**
- *RA7. Approve Contract with Dana Property in the Amount of \$12,000 for Appraisal of Two Separate Properties: APN Nos. 86-12-15, 16, and 20; and 86-12-10 (Staff Contact: Steve Mattas, 586-3040)**
- RA8. AGENCY ADJOURNMENT**
- XIV. REPORTS OF OFFICERS AND BOARDS**
- City Council**
- * 1. Approve the Mayor's Appointments to the Community Advisory Commission and Senior Advisory Commission and Reappointments to the Telecommunications Commission: Mayor Esteves**
- XV. UNFINISHED BUSINESS**
- 2. 2004 Commissioner's Recognition Event (Friday, July 23, 2004) – Approve Caterer, Budget and Group Gift for Event (Staff Contact: Jennifer Tagalog, 586-3206)**
- XVI. NEW BUSINESS**
- 3. Approve Rental Facility Use Guidelines Revisions and Fee Structure for City Hall (Staff Contact: Gail Blalock 586-3005, Bonnie Greiner 586-3227; and Jennifer Tagalog 586-3206)**
- XVII. ORDINANCE**
- * 4. Adopt Ordinance No. 22.3, Amending Title V, Chapter 1 of the Milpitas Municipal Code to Update the City's Disaster Council and Add Citizen Corps Duties (Staff Contact: Americo Silvi, 586-2810)**
- XVIII. RESOLUTION**
- * 5. Approve the Joint Powers Agreement, with Amendments, with the Bay Area Employee Relations Service (Staff: C. Rosenquist, 586-3082)**
- XIX. BIDS AND CONTRACTS**

- * 6. **Approve Contract Change Order and Approve Agreement Amendment: Bay Area Coating Consultant Services, Hillside Water System Improvements (Project No. 7083) (Staff Contact: Steve Erickson, 586-3317)**
- * 7. **Approve Amendment Agreement with GSS Consulting: Various CIP Projects (Staff Contact: Doug De Vries, 586-3313)**
- * 8. **Approve Plans and Specifications: Interim Senior Center Interior and Kitchen Improvements (Project No. 8151): B.A. Zuhdi Consulting Engineers (Staff Contact: Mark Rogge, 586-3257)**
- * 9. **Approve Contract for Security Services: (Staff Contact: Eddie Loreda, 586-2662)**
- *10. **Award Bid for Annual Public Works Garment Purchase (Staff Contact: Lou Zenzen, 586-3161)**

XX. CLAIMS AND DEMANDS

- *11. **Approve Payment Requests: Miscellaneous Vendors / Contractors (Staff Contact: Lou Zenzen, 586-3161)**

XXI. ADJOURNMENT in Honor of Michael Mihalakis, U.S. Soldier and Milpitas High School Graduate Killed in Iraq

**NEXT REGULARLY SCHEDULED COUNCIL MEETING
TUESDAY, JANUARY 20, 2004, AT 7:00 P.M.**

**CITY OF MILPITAS
Summary of Contents
Milpitas City Council Meeting
January 6, 2004
6:00 p.m. Closed Session
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XII. PUBLIC HEARINGS (None)

XIII. JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING

RA1. CALL TO ORDER BY THE MAYOR

RA2. ROLL CALL

RA3. APPROVAL OF MINUTES: December 16, 2003

RA4. APPROVAL OF AGENDA AND CONSENT CALENDAR (ITEMS WITH ASTERISKS)

RA5. REVIEW PROGRESS REPORT ON LIBRARY PROJECT (STAFF CONTACT: GREG ARMENDARIZ, 586-3220)

BACKGROUND: The Library Subcommittee and staff are working on various pre-design elements of the new Library Project. A progress report on these pre-design tasks and upcoming project milestones will be presented by staff at the Council meeting.

RECOMMENDATION: Note receipt and file Library Report progress report.

***RA6. APPROVE AGREEMENT: HARDISON, KOMATSU, IVELICH & TUCKER: SITE PLAN OPTIONS FOR HEALTH CLINIC/SENIOR HOUSING DEVELOPMENT (STAFF CONTACT: BLAIR KING, 586-3060)**

BACKGROUND: Staff, with concurrence of the City Council, held informal discussions with Santa Clara County regarding joint development of a County Health Clinic and a Senior Affordable Housing project on City-owned property located at 163 North Main Street. In order to determine if the proposed uses will fit on the subject site, the firm of Hardison, Komatsu, Ivelich & Tucker (HKIT) has been retained to prepare basic alternative site plans and cost estimates. HKIT is familiar with the site and is a member of the design team preparing the Fair Oaks mixed use health clinic/housing project. HKIT is the only firm familiar with the County's health clinic standards that meet the accelerated schedule proposed for receipt of the required deliverables. The proposed fee is not to exceed \$15,000. The fee is considered reasonable for the work involved and will be paid from Redevelopment affordable housing set-aside funds. There are sufficient funds.

RECOMMENDATION: Authorize the Executive Director to enter into an agreement with Hardison, Komatsu, Ivelich & Tucker (HKIT) with the fee not to exceed \$15,000 for the preparation of alternative health clinic/senior housing site plans.

***RA7. APPROVE CONTRACT WITH DANA PROPERTY IN THE AMOUNT OF \$12,000 FOR APPRAISAL OF TWO SEPARATE PROPERTIES: APN NOS. 86-12-15, 16, AND 20; AND 86-12-10 (STAFF CONTACT: STEVE MATTAS, 586-3040)**

BACKGROUND: The Executive Director has recommended, and the Board has directed, that the Agency should obtain appraisals of the two properties identified as APN Nos. 86-12-15, 16, and 20 and APN No. 86-12-10 as an initial step in determining whether the Agency will make an

offer to purchase the properties. Staff has negotiated a contract with Dana Property to prepare the appraisals. Both parcels are presently vacant.

RECOMMENDATION: Authorize the Executive Director to execute an agreement with Dana Property to prepare the appraisals in an amount not to exceed \$12,000, with the contract subject to approval as to form by the City Attorney.

RA8. AGENCY ADJOURNMENT

XIV. REPORTS OF OFFICERS AND BOARDS

City Council

***1. APPROVE THE MAYOR'S APPOINTMENTS TO THE COMMUNITY ADVISORY COMMISSION AND SENIOR ADVISORY COMMISSION AND REAPPOINTMENTS TO THE TELECOMMUNICATIONS COMMISSION: MAYOR ESTEVES**

BACKGROUND: Mayor Esteves is recommending the following appointments and reappointments:

Community Advisory Commission: Move Craig Ranker from Alternate 2 to Alternate 1 (term expiring January 2005); move Chris Lee from Alternate 3 to Alternate 2 (term expiring January 2008); move Nestor Luna from Alternate 4 to Alternate 3 (term expiring January 2008); and appoint Jenifer Lind to the Alternate 4 position (term expiring January 2005).

Senior Advisory Commission: Appoint Ed Connor to the Alternate 2 position, with a term expiring December 2005.

Telecommunications Commission: Reappoint Niranjan Gupta, Dinesh Gupta, M. Idrees Munir, Vishnu Mathur, and Aaron Ettinger each to new two-year terms expiring January 2006.

Included in the Council's agenda packets are copies of current applications for these commissions.

RECOMMENDATION: Approve the Mayor's appointments and reappointments.

XV. UNFINISHED BUSINESS

2. 2004 COMMISSIONER'S RECOGNITION EVENT (FRIDAY, JULY 23, 2004) – APPROVE CATERER, BUDGET AND GROUP GIFT FOR EVENT (STAFF CONTACT: JENNIFER TAGALOG, 586-3206)

BACKGROUND: At the September 16, 2003, City Council meeting, the Council approved holding the annual Commissioner's Recognition on July 23, 2004, at the City Hall Plaza area. The Council also directed staff to survey City Commissioners as to their preference for the type of event (dessert social, appetizers, BBQ, sit-down dinner) and the gift (a gift commemorating the City's 50th Anniversary or a 50th Anniversary gift to the City in lieu of individual gifts) and to bring the results back to the Council for final determination.

A survey was mailed to all Commissioners and follow-up phone calls were made to ensure that all of the Commissioners input was received. The results are as follows:

Food Options:

Appetizer Social	39
Dessert Bar Social	6
BBQ Buffet	44
Sit-Down Dinner	41

Gift Options:

Plaque	14
Select gift from 3 options	29
Forgo individual gift/plaque and allot monies towards a group gift to the City for its 50 th Anniversary	87

Commissioner's choice totaling 44 was for the option of having a BBQ dinner. Staff received pricing quotes from several BBQ restaurants in the area with the following results. The below quotes are based on 225 people.

Sam's BBQ	\$4,846.00
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(Includes baby-back pork ribs, chicken, BBQ beef brisket, potato salad, green salad, garlic bread, sodas/water, and pies for dessert)

Armadillo Willy's	\$4,113.00
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(Includes baby back ribs, chicken, roast pork, baked beans, potato salad, corn bread muffins, sodas, and cookies) Veggie patties (veggie option)

Ultimate Barbeque Catering Company	\$4,311.00
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(Includes baby back ribs, green salad, potato salad, corn on the cob, garlic bread, sodas, and dessert) Garden burgers (veggie option) *BBQ would occur on site.

Rib Crib	\$3,993.75
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(Includes ½ pound of chicken and 2 ribs per person, beans, potato salad, bread & buns, and iced tea/lemonade, and cobbler) Garden Salad and veggie burgers (veggie option) *BBQ would occur on site.

Quincy's BBQ	\$4,799.00
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(Includes BBQ chicken and ribs, baked beans, potato salad, corn muffin, cobbler, and sodas)

Please note: At the September 16, 2003, Council meeting, Vice Mayor Dixon suggested staff contact the Santa Clara County Firefighters to get a quote from them. Staff attempted to contact the Santa County Firefighters, however, was informed they no longer provide catering services.

Staff also contacted the Milpitas Unified School District to inquire on their menu and they do not offer a BBQ option on their catering menu.

In addition, staff contacted Erik's Deli in Milpitas and they did not offer a comparable BBQ menu selection.

A total of \$15,000 is budgeted for this event to include meals, gift/plaque, invitations, certificates/certificate holders, and other necessary supplies.

The proposed budget would be as follows:

Food 225 X \$18.28	\$4,113
Group Gift/Plaque	\$6,000
Rental Equipment (tables, chairs, table clothes, etc.)	\$3,507
Misc. (invitations, certificates/holders with 50th logo, etc.)	\$1,380

RECOMMENDATION:

1. Select Armadillo Willy's due to the fact they are reasonably priced and are a well-known quality restaurant.
2. Contribute \$5,000 towards the purchase of the Cartwheel Sculptures Art, which will be displayed near City Hall, and \$1,000 towards a plaque to be displayed near the Cartwheel Sculptures acknowledging the gift from the Commissioners to the City for Commissioner's Recognition on Friday, July 23, 2004.

XVI. NEW BUSINESS

3. APPROVE RENTAL FACILITY USE GUIDELINES REVISIONS AND FEE STRUCTURE FOR CITY HALL (STAFF CONTACT: GAIL BLALOCK 586-3005, BONNIE GREINER 586-3227 AND JENNIFER TAGALOG 586-3206)

BACKGROUND: The City has been receiving requests from groups and individuals for use of City Hall facilities and the adjacent outdoor areas. Currently there are no set established facility use guidelines or fees structures. Staff has researched other cities in the Bay Area who have comparable rental facilities and created guidelines and a fee structure for Council consideration.

In addition, staff has made some revisions and additions to the Facility Use Guidelines (i.e. non-profit group guidelines, provide more detailed clarification in certain areas, addition of special event policy, and modification of the cancellation policy.)

Included in the Council's agenda packets for review are a copy of the revised City Facility use Rules and Regulations and fee structure for City Hall Council Chambers, Rotunda, Patio/Grass areas, and Amphitheater.

RECOMMENDATION: Approve proposed City Hall fee structure and Revised Facility Use Rules and Regulations.

XVII. ORDINANCE

***4. ADOPT ORDINANCE NO. 22.3, AMENDING TITLE V, CHAPTER 1 OF THE MILPITAS MUNICIPAL CODE TO UPDATE THE CITY'S DISASTER COUNCIL AND ADD CITIZEN CORPS DUTIES (STAFF CONTACT: AMERICO SILVI, 586-2810)**

BACKGROUND: This proposed ordinance revision, to add Citizen Corps duties to the Disaster Council's present duties, was introduced at the December 16, 2003, City Council meeting. As proposed, the revised ordinance will be consistent with the Standardized Emergency management Systems (SEMS), Department of Homeland Security recommendations regarding CitizenCorps/Disaster Councilmembership and responsibilities, and with similar ordinance revisions adopted by other cities in Santa Clara County. Further, it postures Milpitas for future CitizenCorps related grant funding. This revised ordinance is now ready for second reading and adoption.

RECOMMENDATION: Waive full reading of the ordinance and adopt Ordinance No. 22.3.

XVIII. RESOLUTION

***5. APPROVE THE JOINT POWERS AGREEMENT, WITH AMENDMENTS, WITH THE BAY AREA EMPLOYEE RELATIONS SERVICE (STAFF: C. ROSENQUIST, 586-3082)**

BACKGROUND: The County of Santa Clara with thirty-eight other public agencies developed a Joint Powers Agreement For Bay Area Employee Relations Services.

The service provides online access to a database of surveyed public entities for data analysis. As one of the members of the Joint Powers Agreement, the City of Milpitas will be able to continue receiving valuable quantitative analysis and reports not readily obtained without significant internal staff resources.

RECOMMENDATION: Adopt resolution approving the Joint Powers Agreement with amendments with the Bay Area Employee Relations Service.

XIX. BIDS AND CONTRACTS

***6. APPROVE CONTRACT CHANGE ORDER AND APPROVE AGREEMENT AMENDMENT: BAY AREA COATING CONSULTANT SERVICES, HILLSIDE WATER SYSTEM IMPROVEMENTS (PROJECT NO. 7083) (STAFF CONTACT: STEVE ERICKSON, 586-3317)**

BACKGROUND: This project was awarded for construction by the City Council on April 1, 2003, to Blocka Construction. The project provides for the replacement of several pumps, valves, equipment controls plus installation of chlorination injection equipment, chlorination facility equipment enclosures, and seismic restraint systems for reservoir tanks. The project is under construction and it is approximately 50% complete.

The water tank interiors at the Tularcitos and Minnis booster stations were recently inspected and it has been determined that the interior lining at both tanks has significantly deteriorated to the point of causing potential localized failures in the steel structure. The repair will require the removal of the existing lining and to recoat the tank interiors. Staff is therefore requesting that a contract change order be issued to include this tank repair work. The recommended cost is not-to-exceed \$299,325.00. It is also recommended that a contingency in the amount of \$30,000.00 be included with this change order for possible additional repairs due to the possibility that corrosion may be found during removal of the old lining.

The City had also previously retained the services of Bay Area Coating Consultants (BAC) for special inspection and testing services related to the recoating of the four booster pump canisters and the water tank exteriors. It is recommended to amend the agreement with BAC to provide special testing and inspection services for the requested interior tank coating work. A not-to-exceed cost for this additional testing and inspection services of \$34,000.00, is recommended.

The total recommended cost of this additional work including inspection and testing is \$363,325.00. It will be necessary to increase the project budget by this amount by authorizing a budget appropriation from the water fund reserves. The required budget appropriation form is included in the Council's agenda packets.

RECOMMENDATION:

1. Authorize staff to approve the contract change order in the amount of \$329,325.00 to Blocka Construction Inc.
2. Approve Agreement Amendment with Bay Area Coating Consultant Services in the amount of \$34,000.00, and authorize the City Manager to execute the amendment subject to approval by the City Attorney.
3. Approve the budget appropriation from the water fund reserves into project No. 7083 for \$363,325.00.

***7. APPROVE AGREEMENT AMENDMENT WITH GSS CONSULTING: VARIOUS CIP PROJECTS (STAFF CONTACT: DOUG DE VRIES, 586-3313)**

BACKGROUND: GSS consulting is currently providing assistance with review and preparation of technical specifications and drawings, project coordination with various City departments and outside agencies, and construction technical support on various Capital Improvement Projects.

Additional services through August 31, 2004, are proposed to include additional project management and scheduling services as well as assistance with the Capital Improvement Program reporting. The negotiated not to exceed amount for such services is not-to-exceed \$137,795, which is considered reasonable for the anticipated services. Sufficient funds are available in the project budgets.

RECOMMENDATION: Authorize the City Manager to execute the Agreement Amendment in the not-to-exceed amount of \$137,795, subject to approval as to form by the City Attorney.

***8. APPROVE PLANS AND SPECIFICATIONS: INTERIM SENIOR CENTER INTERIOR AND KITCHEN IMPROVEMENTS (PROJECT NO. 8151): B.A. ZUHDI CONSULTING ENGINEERS (STAFF CONTACT: MARK ROGGE, 586-3257)**

BACKGROUND: On August 19, 2003, the City Council approved an expanded interior renovation program including an upgraded kitchen for the Interim Senior Center at 540 South Abel Street. Plans and specifications for the subject project have been completed in accordance with the revised approved Capital Improvement Program.

The improvements consist of a new commercial-grade catering kitchen, with separate areas for dishwashing and food storage, which comply with the Santa Clara County Environmental Health Department's standards for the Senior Nutrition Program. Kitchen renovation work includes new floor drains, and flooring, walls, ceilings, cabinetry and modifications to the electrical, mechanical and plumbing systems. Health and safety-related work also includes improvements to the restrooms and utility room. Other interior improvements include the addition of a game room and relocation of staff workstations and storage for better space utilization.

The work will be phased and done after normal usage hours, as necessary to avoid disruption of Senior Center activities. The existing kitchen will be modified so it will remain in service until the new kitchen is complete. After the new kitchen is operating the existing kitchen area will be renovated for dishwashing and food storage.

When the Council approved the expanded kitchen, the staff report indicated that the expansion would result in additional cost. At the following Council meeting, the Community Development Block Grant (CDBG) program was revised to provide a portion of the needed funds. The remainder appropriation of approximately \$70,000 will be necessary to complete the funding.

The engineer's estimate for the interior and kitchen improvements is approximately \$190,000, including a 10% construction contingency. Staff will return to the Council with a funding recommendation when the bid results are known. A copy of the project plan title sheet is included in the Council's agenda packets. Complete plans and specifications are available for review in the office of the City Engineer.

RECOMMENDATION:

1. Approve plans and specifications for the Interim Senior Center Interior and Kitchen Improvements.
2. Authorize advertising for construction bid proposals.

***9. APPROVE CONTRACT FOR SECURITY SERVICES: (STAFF CONTACT: EDDIE LOREDO, 586-2662)**

BACKGROUND: Staff issued a request for proposals (RFP) for security services for the Civic Center in December 2002. Four contractors responded to the RFP and based on staff's recommendation a one-year contract with California Land Management (CLM) was presented to Council and approved on December 17, 2002. Since the one-year contract with CLM has expired and due to inconsistent service and the lack of company support, Staff is recommending entering into a 6 months contract with Allied Security, Inc. one of the four contractors that responded to the RFP.

Funds are available in the Public Works Department operating budget for this contract.

RECOMMENDATION: Award a contract for security services to Allied Security, Inc., for an amount not to exceed \$ 36,182.39 as recommended by staff.

***10. AWARD BID FOR ANNUAL PUBLIC WORKS GARMENT PURCHASE (STAFF CONTACT: LOU ZENZEN, 586-3161)**

BACKGROUND: Staff requested quotations from all t-shirt suppliers on Purchasing's bidders list for the annual purchase of garments for all six divisions in the Public Works Department, five responded. The vendors are required to embroider or silkscreen 1,883 garments per the following breakdown: 1074 shirts, 286 sweatshirts, 447 hats and 76 cold weather safety jackets. These garments are required by the Milpitas Employees Association memorandum of understanding, section 34.00, titled UNIFORMS and are required to be worn on a daily basis. The following is the recap of bids received including tax and freight:

<u>Bidder</u>	<u>Amount</u>
Century Graphics	\$27,674.74
B.Y.O.G.	\$28,516.30
Prolific Screen Printing	\$29,250.69
Tome`	\$32,326.76
AMI Marketing	\$34,730.51

Funds are available in the Public Works Department operating budget for this purchase.

RECOMMENDATION: Award the bid for garment purchases to the lowest bidder, Century Graphics in the amount of \$27,674.74.

XX. CLAIMS AND DEMANDS

***11. APPROVE PAYMENT REQUESTS: MISCELLANEOUS VENDORS / CONTRACTORS (STAFF CONTACT: LOU ZENZEN, 586-3161)**

BACKGROUND: In accordance with direction given by City Council at its August 15, 1995 meeting, Purchasing has prepared the following list of purchasing requests over \$5,000.00 for approval:

1. \$5,476.00 to Medtronic Physio-Control for annual technical service and maintenance support services of portable defibrillators for the Fire Department. (Funds are available from the Fire Department operating budget for these services.)
2. \$5,306.96 to Target Specialty Products for the purchase selective pre-emergent herbicide that provides control of annual grasses and broadleaf weeds in landscape ornamentals and ground covers for the Landscape Maintenance Division. (Funds are available from the Public Works Department operating budget for this purchase.)

RECOMMENDATION: Approve the purchase requests.

XXI. ADJOURNMENT in Honor of Michael Mihalakis, U.S. Soldier and Milpitas High School Graduate Killed in Iraq

**NEXT REGULARLY SCHEDULED COUNCIL MEETING
TUESDAY, JANUARY 20, 2004, AT 7:00 P.M.**